THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.5963 of 2007

26-03-2007

Between:-

Jelli Hanumanthu

Petitioner

And

The Government of Andrha Pradesh,
Rep., by its Secretary,
For Irrigation and Command Area
Development Project Wing Dept.,
Hyderabad and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5963 of 2007

Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition for the respondents.

Petitioner's lands in Anugonda village, Makthal mandal, Mahaboobnagar district were acquired for the purpose of Priyadarshini Joorala Project (P.J.P) by a notification under Section

4 (1) of the Land Acquisition Act, 1894 (for short 'the Act'), in 1992. An award was passed on 11-12-1992. Aggrieved thereby and seeking re-determination of the market value, O.P.No. 61 of 1999 was filed. The reference Court of the learned Senior Civil Judge, Narayanpet enhanced the compensation in O.P.No. 61 of

1999 and batch by the award dated 06-04-2000. Aggrieved thereby, the State preferred appeals to this Court. The appeals are stated to have been dismissed in February, 2003. Consequently, the order of enhanced compensation determined by the reference Court has been confirmed. Complaining that the respondents have not deposited the enhanced compensation, as determined by the reference Court, this writ petition is filed.

The writ petition is silent on the issue and the learned counsel for the petitioner admits that the petitioner has not yet filed any execution petition.

If, as the petitioner contends, the award of the reference Court has become final, including by its confirmation by this court in appeal, the petitioner is entitled to payment of enhanced compensation amount and as such final decree of the reference Court is a charge of Consolidated Fund under Article 202 of the Constitution of India. No question of appropriation of the amount or clearance by the Finance Department is involved. The State is obligated *proprio vigore* to deposit the amount forthwith on the filing of execution petition. In the context of availability of an alternative efficacious remedy by way of execution, this Court is not inclined to consider the grievance of the petitioner under Article 226 of the Constitution.

On the aforesaid analysis, the writ petition is dismissed preserving liberty in the petitioner to pursue the

remedy of filing an execution petition for receiving of the enhanced compensation amount. No costs.

GODA RAGHURAM, J

Dated:26-03-2007
Pvks/*
Nb:- Furnish c.c. in two days.
B/o pvks/*